

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:)	
)	
THE FINANCIAL OVERSIGHT AND)	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO)	Title III
)	
as representative of)	Case No. 17-BK-03283 (LTS)
)	
THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i> ,)	
)	
Debtors. ¹)	
In re:)	
)	PROMESA
THE FINANCIAL OVERSIGHT AND)	Title III
MANAGEMENT BOARD FOR PUERTO RICO,)	
)	Case No. 17-BK-03566 (LTS)
as representative of)	
)	
THE EMPLOYEES RETIREMENT SYSTEM OF THE)	
GOVERNMENT OF THE COMMONWEALTH OF)	
PUERTO RICO,)	
)	
Debtor.)	
THE SPECIAL CLAIMS COMMITTEE OF THE)	
FINANCIAL OVERSIGHT AND MANAGEMENT)	Adv. Proc. No. 19-00356 (LTS)
)	

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK- 4780) (Last Four Digits of Federal Tax ID: 3747).

BOARD FOR PUERTO RICO, ACTING BY AND)
THROUGH ITS MEMBERS,)

and)

THE OFFICIAL COMMITTEE OF UNSECURED)
CREDITORS OF ALL TITLE III DEBTORS)
(OTHER THAN COFINA),)

as co-trustees of)

THE EMPLOYEES RETIREMENT SYSTEM OF THE)
GOVERNMENT OF PUERTO RICO,)

Plaintiff,)

v.)

DEFENDANT 1M, *et al.*,)

Defendants.)

THE SPECIAL CLAIMS COMMITTEE OF THE)
FINANCIAL OVERSIGHT AND MANAGEMENT)
BOARD FOR PUERTO RICO, ACTING BY AND)
THROUGH ITS MEMBERS,)

and)

THE OFFICIAL COMMITTEE OF UNSECURED)
CREDITORS OF ALL TITLE III DEBTORS)
(OTHER THAN COFINA),)

as co-trustees of)

THE EMPLOYEES RETIREMENT SYSTEM OF THE)
GOVERNMENT OF PUERTO RICO,)

Plaintiff,)

v.)

STOEVEER GLASS & CO., *et al.*,)

Adv. Proc. No. 19-00357 (LTS)

Defendant.

THE SPECIAL CLAIMS COMMITTEE OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, ACTING BY AND
THROUGH ITS MEMBERS,

and

THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF ALL TITLE III DEBTORS
(OTHER THAN COFINA),

as co-trustees of

THE EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF PUERTO RICO,

Plaintiff,

v.

DEFENDANT 1H-78H,

Defendants.

THE SPECIAL CLAIMS COMMITTEE OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, ACTING BY AND
THROUGH ITS MEMBERS,

and

THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF ALL TITLE III DEBTORS
(OTHER THAN COFINA),

as co-trustees of

Adv. Proc. No. 19-00359 (LTS)

Adv. Proc. No. 19-00361 (LTS)

THE EMPLOYEES RETIREMENT SYSTEM OF THE)
 GOVERNMENT OF PUERTO RICO,)
)
 Plaintiff,)
)
 v.)
)
 DEFENDANT 1G-50G, *et al.*,)
)
 Defendants.)
)
 ----- X

**JOINT URGENT MOTION PROPOSING OBJECTION DEADLINES
 AND HEARING DATE FOR MOTIONS TO COMPEL AND QUASH**

To the Honorable United States District Court Judge Laura Taylor Swain and the Honorable United States Magistrate Judge Judith G. Dein:

The Official Committee of Unsecured Creditors (the “Creditors’ Committee”),² the Official Committee of Retired Employees of the Commonwealth of Puerto Rico (the “Retiree Committee” and, together with the Creditors’ Committee, the “Committees”), the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), the Special Claims Committee of the Financial Oversight and Management Board for Puerto Rico (the “SCC” and, together with the FOMB, the “Government Parties”), certain groups of ERS bondholders represented by Jones Day and White & Case LLP (the “ERS Bondholder Groups” and, together with the Committees and the Government Parties, the “Parties”) hereby file this *Urgent Joint Motion Proposing Objection Deadline and Hearing Date for Motions to Compel and Quash* (the “Motion”). In support of this Motion, the Parties respectfully state as follows:

1. The Parties are presently engaged in discovery related, among other things, to certain contentions concerning the validity of the ERS Bonds pursuant to a scheduling order

² The Creditors’ Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

entered by Judge Swain on October 24, 2019. *See* ECF No. 687 in Case No. 17-bk-03566-LTS (the “Scheduling Order”).

2. In accordance with the Scheduling Order, on January 3, 2020, the ERS Bondholder Groups filed the *Motion of Certain ERS Bondholders to Compel the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Provide Complete Answers to Interrogatories*, ECF No. 755 in Case No. 17-bk-03566-LTS (the “Bondholders’ Motion”), and the Committees and Government Parties filed the *Urgent Motion of Committees and Government Parties to Compel Production of Documents from ERS Bondholders*, ECF No. 756 in Case No. 17-bk-03566-LTS (the “Committees and Government Parties’ Motion”). In addition, counsel for the Retiree Committee have stated that they intend to file later today, January 7, 2020, a motion to quash a deposition subpoena directed to Hector Mayol Kauffmann (the “Motion to Quash”).

3. The Scheduling Order provided for the filing of motions to compel, but does not address the deadlines for the filing of oppositions and replies concerning those motions, and does not set a hearing date for those motions. After conferring, the Parties have agreed on the following proposed schedule, to apply to the Bondholders’ Motion, the Committees and Government Parties’ Motion, and the Motion to Quash (collectively, the “Discovery Motions”):

Oppositions to Discovery Motions	Friday, January 10, 2020
Replies in Support of Discovery Motions	Tuesday, January 14, 2020
Proposed Hearing Date Before Judge Dein on Discovery Motions	Thursday, January 16, 2020

WHEREFORE, the Parties respectfully requests that the Court enter the proposed order, substantially in the form attached hereto as **Exhibit A**, and grant the Parties such other relief as is just and proper.

CERTIFICATION

Pursuant to Local Rule 9013-1 and ¶ I.H of the Tenth Amended Case Management Order, the Parties hereby certify that they have (a) carefully examined the matter and concluded that there is a true need for an urgent hearing; (b) not created the urgency through any lack of due diligence; (c) made a bona fide effort to resolve the matter without a hearing; (d) made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and (e) contacted counsel to all affected parties, who have all consented to the relief requested herein.

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Respectfully submitted in San Juan, Puerto Rico, today January 7, 2020.

/s/ Alfredo Fernández-Martínez

Alfredo Fernández-Martínez

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Puerto Rico Fixed Income Fund III, Inc.;
Puerto Rico Fixed Income Fund IV, Inc.;
Puerto Rico Fixed Income Fund V, Inc.;
Puerto Rico Fixed Income Fund VI, Inc.;
Puerto Rico GNMA & U.S. Government
Target Maturity Fund, Inc.; Puerto Rico
Mortgage-Backed & U.S. Government
Securities Fund, Inc.; Tax-Free Puerto Rico
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Inc.; Tax-Free Puerto Rico Target Maturity
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Income Puerto Rico Fund*

<p><u>/s/ Luis F. del Valle-Emmanuelli</u> Luis F. del Valle-Emmanuelli USDC-PR No. 209514 P.O. Box 79897 Carolina, PR 00984-9897 Tel: (787) 977-1932 Fax: (787) 722-1932 dvelawoffices@gmail.com</p> <p>OF COUNSEL FOR A&S LEGAL STUDIO, PSC 434 Avenida Hostos San Juan, PR 00918 Tel: (787) 751-6764 / 763-0565 Fax: (787) 763-8260</p> <p><i>Attorneys for the Financial Oversight and Management Board for Puerto Rico as representative of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico</i></p>	<p><u>/s/ Margaret A. Dale</u> PROSKAUER ROSE LLP Martin J. Bienenstock (<i>pro hac vice</i>) Brian S. Rosen (<i>pro hac vice</i>) Jeffrey W. Levitan (<i>pro hac vice</i>) Margaret A. Dale (<i>pro hac vice</i>) Eleven Times Square New York, NY 10036 Tel: (212) 969-3000 Fax: (212) 969-2900</p> <p><i>Attorneys for the Financial Oversight and Management Board for Puerto Rico as representative for the Debtors</i></p>
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<p><u>/s/ Sunni P. Beville</u> BROWN RUDNICK LLP Edward S. Weisfelner, Esq. (Pro Hac Vice) Sunni P. Beville, Esq. (Pro Hac Vice) Seven Times Square New York, NY 10036 Tel.: (212) 209-4800 eweisfelner@brownrudnick.com sbeville@brownrudnick.com</p> <p><i>Counsel to the Financial Oversight and Management Board, acting by and through the members of the Special Claims Committee</i></p> <p>-and-</p> <p><u>/s/ Alberto Estrella</u> <u>/s/ Kenneth C. Suria</u> ESTRELLA, LLC Alberto Estrella (USDC-PR 209804) Kenneth C. Suria (USDC-PR 213302) P. O. Box 9023596 San Juan, Puerto Rico 00902-3596 Tel.: (787) 977-5050 Fax: (787) 977-5090</p> <p><i>Local Counsel to the Financial Oversight and Management Board, acting by and through the members of the Special Claims Committee</i></p>	
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*Counsel for The Official Committee of Retired
Employees of Puerto Rico*

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:)	
)	
THE FINANCIAL OVERSIGHT AND)	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO)	Title III
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as representative of)	Case No. 17-BK-03283 (LTS)
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In re:)	
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)	Case No. 17-BK-03566 (LTS)
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GOVERNMENT OF THE COMMONWEALTH OF)	
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FINANCIAL OVERSIGHT AND MANAGEMENT)	Adv. Proc. No. 19-00356 (LTS)
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BOARD FOR PUERTO RICO, ACTING BY AND)
THROUGH ITS MEMBERS,)

and)

THE OFFICIAL COMMITTEE OF UNSECURED)
CREDITORS OF ALL TITLE III DEBTORS)
(OTHER THAN COFINA),)

as co-trustees of)

THE EMPLOYEES RETIREMENT SYSTEM OF THE)
GOVERNMENT OF PUERTO RICO,)

Plaintiff,)

v.)

DEFENDANT 1M, *et al.*,)

Defendants.)

THE SPECIAL CLAIMS COMMITTEE OF THE)
FINANCIAL OVERSIGHT AND MANAGEMENT)
BOARD FOR PUERTO RICO, ACTING BY AND)
THROUGH ITS MEMBERS,)

and)

THE OFFICIAL COMMITTEE OF UNSECURED)
CREDITORS OF ALL TITLE III DEBTORS)
(OTHER THAN COFINA),)

as co-trustees of)

THE EMPLOYEES RETIREMENT SYSTEM OF THE)
GOVERNMENT OF PUERTO RICO,)

Plaintiff,)

v.)

STOEVEER GLASS & CO., *et al.*,)

Adv. Proc. No. 19-00357 (LTS)

Defendant.

THE SPECIAL CLAIMS COMMITTEE OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, ACTING BY AND
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and

THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF ALL TITLE III DEBTORS
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as co-trustees of

THE EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF PUERTO RICO,

Plaintiff,

v.

DEFENDANT 1H-78H,

Defendants.

THE SPECIAL CLAIMS COMMITTEE OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, ACTING BY AND
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Adv. Proc. No. 19-00359 (LTS)

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THE EMPLOYEES RETIREMENT SYSTEM OF THE)
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)
 Plaintiff,)
)
 v.)
)
 DEFENDANT 1G-50G, *et al.*,)
)
 Defendants.)
)
 ----- X

**[PROPOSED] ORDER GRANTING URGENT JOINT MOTION
 PROPOSING OBJECTION DEADLINES AND HEARING DATE
FOR MOTIONS TO COMPEL AND QUASH**

Upon consideration of the *Urgent Joint Motion Proposing Objection Deadlines and Hearing Date for Motions to Compel and Quash* (the “Motion”), and the Court having found and determined that (i) the Court has jurisdiction to consider the Motion and the relief requested therein pursuant to section 502 of the Bankruptcy Code as incorporated by section 301 of PROMESA and Bankruptcy Rule 3007, as incorporated by section 310 of PROMESA; (ii) venue is proper before this Court pursuant to PROMESA section 307(a); (iii) based on the statements and arguments made in the Motion, the relief requested in the Motion is in the best interest of ERS, the Commonwealth and their creditors; and (iv) the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, it is hereby ORDERED THAT:

1. The relief requested in the Motion is GRANTED to the extent set forth herein.
2. The briefing schedule for the Discovery Motions (as defined in the Motion) is as follows.

Opposition papers to the Discovery Motions shall be filed by **January 10, 2020**. Replies in support of Discovery Motions shall be filed by **January 14, 2020**.

3. The Discovery Motions are set for a hearing before Judge Dein in Boston on **January 16, 2020** at _____ [a.m./p.m.].
4. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

SO ORDERED

Dated:

LAURA TAYLOR SWAIN
United States District Judge